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2 **FILED & ENTERED**  
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6 **DEC 18 2014**  
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10 **CLERK U.S. BANKRUPTCY COURT**  
11 **Central District of California**  
12 **BY fortier DEPUTY CLERK**  
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15 **UNITED STATES BANKRUPTCY COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **LOS ANGELES DIVISION**  
18

19 In re:

20 Russell Louis Furie,

21 Debtor(s).

22 CHAPTER 7

23 Case No.: 2:13-bk-18101-BR  
24 Adv. No.: 2:13-ap-01601-BR

25 **JUDGMENT ON COMPLAINT OBJECTING**  
26 **TO THE DISCHARGEABILITY OF CLAIMS**  
27 **FOR DENIAL OF DISCHARGE UNDER 11**  
28 **U.S.C. § 727(a)(2)(a); FRAUD UNDER 11**  
U.S.C. § 523(a)(2); DOMESTIC SUPPORT  
UNDER 11 U.S.C. § 523(a)(5); AND  
ATTORNEY FEES UNDER 11 U.S.C. §  
523(a)(15)

29 Kelly Furie,

30 Plaintiff(s),

31 v.

32 Russell Louis Furie,

33 Defendant(s).

34 Trial Date: October 22, 2014 &  
35 December 9, 2014  
36 Time: 10:00 a.m.  
37 Courtroom: 1668  
255 East Temple Street  
Los Angeles, CA 90012

38 This matter is before the Court on plaintiff's "Complaint Objecting to the  
39 Dischargeability of Claims: 1. Denial of Discharge 11 U.S.C. § 727(a)(2)(a); 2. Fraud 11  
40 U.S.C. § 523(a)(2); 3. Domestic Support 11 U.S.C. § 523(a)(5); 4. Attorney Fees 11  
41

1 U.S.C. § 523(a)(15)."

2 Trial was held on October 22, 2014 and December 9, 2014. Lisa Rosenthal,  
3 Esq. appeared for the plaintiff, Kelly Furie. The defendant, Russell Louis Furie,  
4 appeared *in propria persona*.

5 The Court reviewed and considered all of the pleadings and evidence submitted,  
6 heard oral arguments, and stated its findings of fact on the record. Based thereon, the  
7 Court hereby enters judgment as follows:

8 First cause of action for denial of discharge under § 727(a)(2)(a): plaintiff failed  
9 to establish the grounds asserted for objection to the debtor's discharge and judgment  
10 is hereby entered in favor of defendant.

11 Second cause of action for fraud under § 523(a)(2): the elements for  
12 establishing fraud under § 523(a)(2)<sup>1</sup> have been met because (1) plaintiff established  
13 that false representations were made, (2) the false representations were made  
14 intentionally to induce plaintiff to act in reliance on the representations, (3) plaintiff relied  
15 on the representations, and (4) damages were sustained.

16 In addition, the statute of limitations on the fraud cause of action has not run  
17 because discovery of the fraud did not occur until some time in 2012 and the instant  
18 action was filed on June 7, 2013 (i.e., within the three year statute of limitations). A  
19 non-dischargeable judgment in the \$452,064.00 amount requested in plaintiff's  
20 pleadings is hereby entered in favor of plaintiff.

21 Third cause of action: the domestic support obligations are not dischargeable  
22 pursuant to § 523(a)(5). A non-dischargeable judgment is hereby entered in favor of  
23 plaintiff. The family court shall determine the amount of the non-dischargeable  
24 judgment for domestic support; and

25 Fourth and final cause of action: the attorney fees awarded by the family court in  
26 the amount of \$6,500.00 are non-dischargeable pursuant to § 523(a)(15), and judgment

27  
28 <sup>1</sup> The complaint and pleadings mistakenly allege fraud under § 523(a)(4) but the Court as  
well as the parties acknowledge that the correct Bankruptcy Code section alleged is § 523(a)(2).

1 is hereby entered in favor of plaintiff.

2 IT IS SO ORDERED.

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25 Date: December 18, 2014



26 Barry Russell  
27 United States Bankruptcy Judge  
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3 NOTICE OF ENTERED ORDER AND SERVICE LIST

4 Notice is given by the court that a judgment or order entitled (specify): JUDGMENT ON  
5 COMPLAINT OBJECTING TO THE DISCHARGEABILITY OF CLAIMS FOR DENIAL OF  
6 DISCHARGE UNDER 11 U.S.C. SECTION 727(a)(2)(a); FRAUD UNDER 11 U.S.C.  
7 SECTION 523(a)(2); DOMESTIC SUPPORT UNDER 11 U.S.C. SECTION 523(a)(5); and  
8 ATTORNEY FEES UNDER 11 U.S.C. SECTION 523(a)(5); AND ATTORNEY FEES UNDER  
9 11 U.S.C. SECTION 523(a)(15) was entered on the date indicated as 12/18/2014 Entered on the  
10 first page of this judgment or order and will be served in the manner stated below:

11 1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) - Pursuant to  
12 controlling General Orders and LBRs, the foregoing document was served on the following  
13 persons by the court via NEF and hyperlink to the judgment or order. As of (date) 12/18/2014,  
14 the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or  
15 adversary proceeding to receive NEF transmission at the email addresses stated below:  
16

17 • United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov  
18 Toan B Chung tbchung@rpmlaw.com, toan.b.chung@gmail.com;jphan@rpmlaw.com  
19 Rosendo Gonzalez (TR) rgonzalez@ecf.epiqsystems.com, dgomez@gonzalezplc.com

20 • Service information continued on attached page.  
21 2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true  
22 copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the  
23 following persons and/or entities at the addresses indicated below:  
24

25 Russell Louis Furie  
26 26766 Claudette St #415  
27 Canyon Country, CA 91351  
28

29 Lisa F Rosenthal  
30 Law Offices of Rosenthal & Associates  
31 21601 Vanowen St Ste 208  
32 Canoga Park, CA 91303  
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